

CITY OF BURTON
SPECIAL COUNCIL MEETING MINUTES
FEBRUARY 23, 1998, 7:00 P.M., COUNCIL CHAMBERS

The Special Meeting was called to order by Ted Hammon, Council President, at 7:05 P.M.

MEMBERS PRESENT: Centilli, Cox, Cross, Hammon, Martinbianco and Walls.

MEMBERS ABSENT: Zelenko.

OTHERS PRESENT: J. Major, DPW Director; D. Lowthian, Assessor; and G. Webster, City Clerk.

PURPOSE OF THE MEETING: Discussion and Possible Action Relative to Maple Pointe Sub. 1-5
Curb and Gutter Street Reconstruction Special Assessment District.

PRESENTATION:

Mr. Major reviewed information in relation to this project. The original project included 118.11 units with an estimated pre-petition cost of \$3,500 to \$4,000. The petition was circulated with an approximate price of \$3,900. CHMP bid came in at 5.4% higher than the estimated cost at \$4,100 for the first public hearing. At that time, a district needed to be established determining the number of units so costs could be finalized. The 118 units could be reduced eliminating the entrance homes, and the cul-de-sacs could be eliminated or the district could remain the same. If the curbs and gutters are saved at the cul-de-sacs and the district is reduced, the cost to the remaining units would be \$4,843.00, an increase of 24%. He said the Assessor needed some direction from the Council on the number of units in the district, to complete information for the bonding issue.

AUDIENCE PARTICIPATION:

Greg Hernacki, 4452 Maple Pointe Tr., wanted to know if the curbing assessment needed to be paid off before selling his home, and if all the lots were assessed the same amount. He opposed the project.

Mr. Lowthian said there is no requirement to pay off the assessment before selling the home. One unit cost of assessment was 110 feet. If lot sizes were larger, they would be assessed more.

William Leonhard, 6123 E. Maple Rd., said his property should not be included in the Maple Pointe district. His property is part of Maple Bel Subdivision and he wanted to be removed from the district. He opposed the curb and gutter project.

Mr. Major said the Council would have to make the decision on which units would be removed from the assessment district.

Sue Genovesi, 6135 E. Maple Rd., wanted to be removed from the district because she was part of Maple Bel Subdivision, not Maple Pointe. She opposed the curb and gutter project.

Andy Danko, 6176 Hedgerow Cr., wanted to be eliminated from the district because he already has paid for curb and gutter. His property is located on one of the cul-de-sacs.

Larry Flood, 4495 S. Belsay Rd., wants to be removed from the district, because he is not part of Maple Pointe Subdivision. He thinks the curbs and gutters should have been done correctly when the subdivision was developed.

PAGE 2

Mr. Major said the developer has the choice to add curb and gutter or open ditch. The residents of the subdivision pursued the addition of curbs and gutters by petition.

Duane Miller, 4447 Maple Pointe Tr., opposed the curbs and gutters project. His property is on a cul-de-sac with curb. He does not want his curb reconstructed.

Dan Clements, 6105 Hedgerow Ct., thinks the four entrance lots on Maple and Belsay Roads and the cul-de-sacs in the subdivision should be removed from the district. He questioned the validity of the whole project, if the district was changed from the original petition process.

Mr. Hernacki said residents with curbs and gutters shouldn't have to pay. He wanted his name removed from the petition. He spoke in opposition to the project, questioning the validity of the current petition.

Mr. Hammon said names can't be removed from the petition at this point in time.

Mike Snel, 6108 Hedgerow Ct., said the four entrance lots should not be part of the district. He thinks it was the responsibility of the developer to add the curbs, and is opposed to the project. However, if the project was passed, he thinks everyone in the subdivision should pay, based on their lot size.

Mr. Hammon said there would be another hearing in March for more public input.

Mr. Major said this project could be canceled by a majority vote of City Council. Tonight we are trying to determine the scope of the district and a cost before the second hearing.

Cyndi Allen, 4414 Maple Pointe Tr., opposed adding curbs and gutters to the subdivision.

Mr. Clements asked if the Council had the power to stop the project and if an opposing letter from the residents would impact their decision in any way.

Mr. Hammon said petitions always influence Council's decisions, much like the original petition that initiated this project.

Paul Wagner, 6133 Hedgerow Ct., suggested assessing the builder for any vacant lots in the subdivision.

Cynthia Coon, 6136 Hedgerow Ct., has property on a corner entrance and thinks her assessment is too high. She doesn't maintain the property on her side lot; therefore, she should not have to pay for the curb on that lot.

Mr. Lowthian said her property abuts the public right away and she is responsible for the cost of curbing.

Steven Robbins, 4408 Edgeway, thinks the price is too high just to add curbs to the street; especially for those people who have already paid for curbs.

Mr. Miller said there seems to be a resounding opposition to this project. He wanted to know how to address this issue, so Council would eliminate the project.

Mr. Major said the Council has the final vote on the project.

Mr. Hammon said residents could address their opposition through the tax tribunal.

Mr. Lowthian reviewed some counter actions available to the homeowners. A signed petition with 50% of the assessment district, opposing the project with a 2/3 vote from Council to confirm the petition. The homeowner could contact the Michigan Tax Tribunal within 30 days from the confirmation of the project. Residents could voice their opinion by sending a letter or appearing at the Second Public Hearing to be held March 30, 1998.

Mr. Clements spoke in regards to cost reductions on the project, estimated construction time, grading of the land after completion and the kind of grass seed that would be used.

Mr. Major said he could not guarantee any cost reductions.

Mr. LaDuke reviewed project details.

Angela Slater, 6076 Tree Line Dr., spoke against the curb and gutter project. She wasn't informed of the project and wanted the driveways and lawns left in the original state.

Mr. LaDuke said there would be a one year maintenance bond on the project.

Dawn Elford, 6072 Hedgerow Cr., said she tried to contact everyone involved with the project. She distributed a newsletter informing residents of the project and was available for phone calls. She wanted to know if residents could sign the opposing petition, if they signed the initial petition.

Mr. Hammon said the same people could sign the opposing petition.

COUNCIL DISCUSSION:

Mr. Martinbianco said petitions, letters and personal appearances by residents would be acknowledged by Council. He asked for clarification on deadlines for removing names from petitions.

Mr. Major said there is a set time frame determined for removing names from petitions, because the tax assessor has to review and certify the signatures before the first public hearing.

Mr. Martinbianco referred to the minutes from the First Public Hearing, November 17, 1997. He asked for clarification on the removal of four lots on the Belsay and Maple road entrances.

Mr. Major said that Standard Resolution 3 was not modified at the First Public Hearing in November. The meeting tonight is to help determine who will be included in the district.

Mr. Martinbianco supports removing the four entrance lots on Belsay and Maple roads and the cul-de-sac properties with curb and gutter from the district.

Mr. Cox asked if the original bids included work being done on the cul-de-sacs.

Mr. Major said the first bid took into account some work would be done in those areas.

SPECIAL COUNCIL MEETING MINUTES
FEBRUARY 23, 1998 / 7:00 P.M.
PAGE 4

Discussion continued on the bid and the scope of work that needed to be done on the total project, including the possibility of reducing the district.

Mr. Cox wanted to know if the district was reduced, would their names be removed from the original petition.

Mr. Lowthian said the initial advisory petition would not be changed. It was accepted by unanimous vote and does not carry any legal validity.

Mr. Cox said the four entry lots should be removed from the district. He didn't think the thirteen cul-de-sac lots derived enough benefit from the project to warrant the cost.

Discussion continued in regards to benefit versus cost of the project and the possibility of circulating an opposing petition.

Mr. Cox asked what costs the City has accrued with this project to date.

Mr. Major said \$35,000 includes the current engineering fee to date.

Mr. Cross doesn't think the cul-de-sac lots receive any benefit from the new curbs and gutters being added.

Mr. Martinbianco asked if the City could recoup the engineering costs, if the project was terminated.

Mr. Major said the cost could be distributed amongst the property owners.

Mr. Martinbianco offered a motion to terminate the project at this date in time. If that was not possible, an alternative motion would be to reduce the district by excluding some of the lots.

Mr. Hammon asked if the project could be terminated any time up to March 30, 1998.

Mr. Lowthian said there was no reason this couldn't be done.

Mr. Hammon said the chair would accept any of the following motions; complete termination of the project, removal of some portion of the district or the inclusion of all the property in the district.

Mr. Martinbianco asked if the project was terminated, would they also need to make a determination on the scope of the district for possible future reimbursement purposes.

Mr. Major said it was Council's choice to make those determinations.

Discussion continued on defining the district for possible reimbursement at a future date. The decision was made to exclude lots 1-17, as designated in the attached DPW memorandum dated 2-18-98, from any reimbursement fees incurred by the district. The exclusion encompassed the entrance lots on Maple and Belsay roads and the cul-de-sac properties with the original curb and gutter.

After the vote, Mr. Hammon announced the project was terminated.

SPECIAL COUNCIL MEETING MINUTES
FEBRUARY 23, 1998 / 7:00 P.M.
PAGE 5

COUNCIL ACTION:

Martinbianco moved and Cross seconded the following motion:

1. Approve and authorize the termination of the reconstruction project of curb & cutter Maple Pointe Subdivision 1-5 / P-97-1, as of 2-23-98, excluding lots 1-17, as designated in the attached DPW memorandum dated 2-18-98, from any reimbursement fees incurred by the district.

Motion carried 6-0.

Meeting Adjourned at 8:35 P.M.

Gayle Webster
Burton City Clerk

GW/cml